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January 4, 2018

By ECF

Magistrate Judge Ramon E. Reyes, Jr.
United States District Court Eastern District of New York
225 Cadman Plaza East
Rm. N208
Brooklyn, New York 11201

Re: Re: Muchmore's Cafe LLC v. City of New York
Letter Motion to File Amicus Curiae Letter under
Local Civil Rule 5.2(b)
14-cv-05668-RRM-RER

Your Honor:

Amicus Curiae Alan D. Sugarman, an attorney admitted before this Court, a taxpayer of the City of New York, and a person having an interest in the laws concerning dancing in the City of New York hereby moves this Court for leave to file an Amicus Letter Brief under Local Civil Rule 5.2(b) as to Plaintiff's request for legal fees.

I write regarding the December 19, 2017 letter from counsel for the parties (Doc. No. 31) concerning attorney's fees to Plaintiff Muchmore's Cafe, LLC.

Plaintiff apparently seeks attorney's fees under 42 U.S.C §1988, while it is not clear that a proper 42 U.S.C §1983 case was stated in the Amended Complaint.

Should either party respond to the Letter Brief, or if a proper motion is filed for attorney's fees, Amicus further requests the opportunity to oppose or reply, as the case may be.

Granting of this motion is appropriate because the attached letter will aid the Court in its understanding of the issues before it and can contribute to the court's understanding of the consequences of this matter. Amicus is an interested party, having testified twice before the City Council in support of repeal, submitted statements to the City Council, and even prepared an affidavit for submission in this matter.

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It would appear that the Defendant City of New York may not focus on the basis of the claim upon which attorney's fees are requested and in particular the 42 U.S.C §1983 Equal Protection claim and/or is not aware of the nature of various misleading statements made to and accepted by the Court relating to the underlying Equal Protection claim, having not previously alerted the Court to certain false assertions. *McBeth v. Gabrielli Truck Sales, Ltd.*, 768 F. Supp. 2d 392 (E.D.N.Y. 2011)(“ Participation will be granted where the proposed submission assists the court by, inter alia, providing a point of view that may not be available from the parties.”). Certainly, the attached letter shows that Amicus has a unique perspective that can help the court beyond that provided by the attorneys for the parties. *Great Minds v. Fedex Office and Print Services, Inc.*, No. 16-CV-1462 (DRH)(ARL) (E.D.N.Y. Feb. 21, 2017).

As the proposed letter brief shows, the City has not shown the inclination to contest the allegations of Plaintiff concerning Equal Protection and the circumstances surrounding the enactment of the 1926 Cabaret Law.

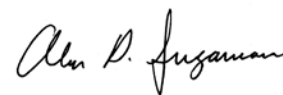
Certainly, without doubt, previously the City did not review the text of the original law and allowed the Plaintiff to misstate the facts without challenge, nor apparently did the City review the Plaintiff's citations to authorities allegedly proving that the 1926 Act was racist as enacted.

Nor, is it clear that the Court will be provided with the text of the Local Law supposedly mooted the case, nor is it certain that there will be a discussion of the relationship of the statute authorizing attorney's fees and the allegations of the Amended Complaint.

Attached hereto is the proposed Amicus Curiae Letter Brief and Exhibits A-D.

Service to all parties is via ECF, since all parties are participating in ECF.

Sincerely,



Alan D. Sugarman

cc: VIA ECF
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